

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Caleb Sosa, a minor, by his next friend
Amparo Hernandez-Sosa, and Amparao
Hernandez-Sosa,

Plaintiffs,

v.

Case No. 10-12878

City of Detroit, *et al.*,

Honorable Sean F. Cox

Defendants.

**ORDER DENYING PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT
WITHOUT PREJUDICE**

Plaintiffs filed this action on July 21, 2010. On November 16, 2010, Plaintiffs filed the instant motion seeking entry of a default judgment against Defendants. (Docket Entry No. 5).

“An entry of default and an entry of default judgment are two separate events or steps. The first step is the entry of default when it is shown, by affidavit or otherwise, that a defending party on a claim has failed to plead or otherwise defend. The second step is the entry of default judgment.” 46 Am. Jur. 2d *Judgments* § 233. The custom and practice in this Court is that a clerk’s entry of a default is a prerequisite to obtaining a default judgment from the district court. *See e.g., Dahill Management, LLC v. Moore*, 2009 WL 1664559 (E.D. Mich. 2009) (Wherein Chief Judge Gerald Rosen explained that “[t]his Court requires that the Plaintiff first obtain a clerk’s entry of default” before seeking a default judgment from the district court.).

The docket reflects that Plaintiffs have not yet sought or obtained a clerk’s entry of default as to Defendants. Accordingly, the Court DENIES WITHOUT PREJUDICE Plaintiffs’ Motion for Default Judgment.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: December 7, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 7, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager